

UNITED STATES DISTRICT COURT
for
EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

U.S.A. vs. James Michael Caldwell

Docket No. 5:08-CR-374-1BO

Petition for Action on Supervised Release

COMES NOW Scott Plaster, probation officer of the court, presenting a petition for modification of the Judgment and Commitment Order of James Michael Caldwell, who, upon an earlier plea of guilty to Possession with the Intent to Distribute a Quantity of Marijuana, in violation of 21 U.S.C. §§ 841(a)(1) and (b)(1)(D), and Possession with the Intent to Distribute a Quantity of Cocaine Base (Crack), in violation of 21 U.S.C. §§ 841(a)(1) and (b)(1)(C), was sentenced by the Honorable Terrence W. Boyle, U.S. District Judge, on April 21, 2009, to the custody of the Bureau of Prisons for a term of 46 months. It was further ordered that upon release from imprisonment the defendant be placed on supervised release for 36 months under the standard conditions adopted by the court and the following additional conditions:

1. The defendant shall participate as directed in a program approved by the probation office for the treatment of narcotic addiction, drug dependency, or alcohol dependency which will include urinalysis testing or other drug detection measures and may require residence or participation in a residential treatment facility.
2. The defendant shall pay a special assessment of \$200.00.
3. The defendant shall pay restitution in the amount of \$440.00.

On December 23, 2011, upon the defendant's motion for a sentence reduction pursuant to 18 U.S.C. § 3582(c)(2), the previously imposed sentence of imprisonment of 46 months was reduced to 24 months.

James Michael Caldwell was released from custody on December 19, 2011, at which time the term of supervised release commenced.

RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS: Since the defendant's release from imprisonment on December 19, 2011, he has had difficulty obtaining gainful employment due to his limited skills and qualifications. Mr. Caldwell has expressed an interest in receiving forklift operator training and certification in order to pursue employment in a warehouse environment, but he lacks the ability to pay for the necessary training. Mr. Caldwell has requested financial assistance in order to cover the cost of the training and certification. Funding is currently available through the Second Chance Act. Mr. Caldwell is in compliance with all of the terms and conditions of his supervised release at this time. As such, it is recommended that Mr. Caldwell's supervised release be modified to include participation in a vocational training program in order to hold him accountable for the financial assistance provided to him for forklift training or any additional assistance that might be provided to him. The defendant signed a Waiver of Hearing agreeing to the proposed modification of supervision.

PRAYING THAT THE COURT WILL ORDER that supervised release be modified as follows:

1. The defendant shall participate in a vocational training program as directed by the probation office.

Except as herein modified, the judgment shall remain in full force and effect.

Reviewed and approved,

I declare under penalty of perjury that the foregoing is true and correct.

/s/Jeffrey L. Keller
Jeffrey L. Keller
Supervising U.S. Probation Officer

/s/Scott Plaster
Scott Plaster
U.S. Probation Officer
310 New Bern Avenue, Room 610
Raleigh, NC 27601-1441
Phone: (919) 861-8660
Executed On: March 2, 2012

ORDER OF COURT

Considered and ordered this 8 day of March, 2012, and ordered filed and made a part of the records in the above case.

Terrence W. Boyle
Terrence W. Boyle
U.S. District Judge